

Appln No. 10/733,824

Amdt date May 2, 2005

Reply to Office action of February 1, 2005

REMARKS/ARGUMENTS

Claims 1-3, 5-7, 11, 12, 14 and 21-25 are pending, with claims 1, 2, 5, 11, 14, 21, 23 and 25 being amended herein, claims 4, 8-10 and 15-18, having been previously withdrawn, now being canceled. Claims 13, 19 and 20 were previously canceled.

At Item 1 of the Office action, the Examiner rejects claim 23 under 35 U.S.C. 112, second paragraph, as being indefinite as there is no clear antecedent basis for "the fixed, object contact surface." Claim 23 is amended to replace the objected to language with "the fixed wall", so this ground of objection is overcome.

At Item 3 of the Office action, the Examiner rejects claims 1, 3, 6, 7, 12, 21, 22 and 25 under 35 U.S.C. 102(b) as being anticipated by U.S. patent no. 2,780,951 to Bram. The Examiner states that Bram shows a gripping tool comprising a support structure (1) having a fixed wall (2) at one end, a cinch strap (11), and a pivot arm (3). The Examiner states that the Bram tool is capable of gripping and loosening certain-sized container lids.

Applicant has carefully studied the Bram reference and respectfully submits that as amended herein, independent claims 1, 21 and 25 patentability distinguish thereover as do claims 3, 6, 7 and 12 (dependent on claim 1) and claims 22-24 (dependent on claims 21).

Applicant first points out that in independent claims 1, 21 and 25, the support structure has been further recited as "defining a planar support surface and having a fixed wall extending upwardly from the planar support surface" and having

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the pivot arm pivoted at one end to the support structure "distant from the fixed wall." This is different from the Bram device where the so-called pivot arm 3 is actually a jaw pivotally mounted to the fixed wall 1 and having its free end 9 attached to one end of the gripping band 11. With the other end of the gripping band fixed to another jaw portion that is integral with the handle 1 of the wrench.

The implications of this are significant in the following way. First of all, in Applicant's invention, the pivot arm pivots at a point distant from the fixed wall. As it swings downwardly towards the fixed wall, and then generally transversely to the fixed wall, the object to be gripped is captured by the strap and contact area is maintained between the object being gripped and the fixed wall. This increases strap friction and gripping force. The relationship between the wall and the pivoted arm allow for the object to roll and be tightened in the strap. This incidentally allows for a slight stretch of the strap if desirable to increase grip strength. Furthermore, if the object's outer circumference is smaller and allows the pivot arm to pivot more, this allows for greater contact area between the cinch strap and the object. Now, comparing Applicant's claimed device to the Bram device, there is far less strap contact area and the pivot arm, no matter what shape it takes, since it only swings or closes towards the fixed jaw. In the Bram device, there is no mechanical advantage and it does not increase the strap contact area during closing and tightening. As a pipe or other object is gripped, a portion of the strap which is parallel to the handle does not translate to

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an effective pulling of the pivot arm closed. Thus, the increase in strap friction has to be provided by the user pushing the wrench into the pipe and also rotating (loosening or tightening) in order to effect the turning. Indeed, with the Bram device, the mechanical advantage is obtained by virtue of the long handle that must be torqued. Thus, in the case of the Bram device used to loosen a jar lid, one of the user's hand must be used to turn the handle (1) and the other hand must be used to hold the jar. In contrast, with Applicant's claimed invention, a user can open a jar with just one hand that holds the jar since the same action of inserting the lid of the jar into the device will cause the swing arm to swing closer to the lid so that the cinch strap is brought into contact with the jar's lid and also into contact with the fixed wall, and by further twisting the jar immobilize the lid so that the jar can be opened.

Applicant further points out that the Bram device is limited in terms of the size of objects it may grip, with the limitation being determined by the length of its strap. With the Bram device, the exposed part of the strap cannot be longer than the circumference of the object being gripped, otherwise it will not be able to tighten around the object. On the other extreme, the strap cannot be shorter than half of the circumference of the object being gripped or it will not effectively grip thereon (e.g., it cannot establish a grip on $1/3$ of the circumference of the object.) Thus, it is clear that the range of sizes of objects to be gripped by the Bram device is very limited (X circumference to about $2X$ circumference.) In

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sharp contrast, with Applicant's claimed invention, since the cinch strap will impinge on the fixed wall during use of the jar opener, this will effectuate a shortening of a working length of the cinch strap, and any excess slack in the cinch strap will be thus be taken up, allowing very small jars to large jars to be opened. See for example FIG. 1, wherein a larger diameter object is being gripped, where the cinch strap makes contact nearer the pivot point, and FIG. 4, wherein for a smaller diameter object the cinch strap makes contact further down the wall.

Based on these differences, Applicant respectfully submits that independent claim 1 and its dependent claims 3, 6, 7 and 12, and independent claim 21, and its dependent claims 22-24 dependent thereon, and independent claim 25, are not anticipated by Bram.

At Item 4, the Examiner objects to claims 2, 5, 11, 14 and 24 as being dependent upon a rejected base claim, but indicates that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 2, 5, 11 and 14 to include the language of independent claim 1 so that claims 2, 5, 11 and 14 are now independent claims. These claims should accordingly be allowed.

At Item 6, the Examiner objects to the Specification because the same reference numeral (24) is used to describe two structures. To resolve this problem, the Specification, at page 7, lines 22-27, are amended so that its reference numeral 24 is changed to 26. FIG. 8 is similarly amended. Also, the

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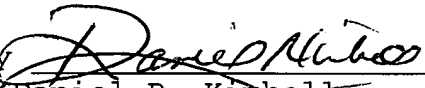
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Specification is amended to include the word "arm" before the number "76" at page 11, line 6.

Applicant believes that pending claims 1-3, 5-7, 11, 12, 14 and 21-25 are allowable, and prompt allowance is solicited. However, if the Examiner has any questions or alternative suggestions, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

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Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 8. This sheet, which includes FIG. 8, replaces the original sheet including FIG. 8.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

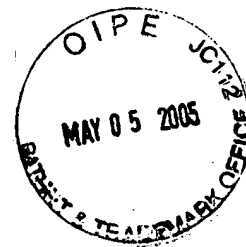


Fig. 8

